

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

ALL LOCAL GOVERNMENT AND
SCHOOL DISTRICT ACTIONS

CASE MANAGEMENT ORDER NO. 8:

**[PROPOSED] STIPULATED
IMPLEMENTATION ORDER
GOVERNING ADOPTION OF MASTER
COMPLAINT (LOCAL GOVERNMENT
AND SCHOOL DISTRICT) AND
SHORT-FORM COMPLAINTS FOR
FILED CASES**

I. APPLICABILITY AND SCOPE OF ORDER

1. This Implementation Order (“Order”) applies only to Local Government Entities and School Districts, including school districts, municipalities, county district attorneys, and counties, who have asserted or seek to assert claims related to Defendants’ social media platforms (“Local Government and School District Plaintiffs”) consistent with the scope of the October 11, 2022 Transfer Order initiating these MDL proceedings and the November 16, 2023 and November 21, 2023 Orders establishing a separate motion to dismiss briefing track and subcommittee for claims brought by Local Government and School District Plaintiffs.¹ See ECF Nos. 450, 451. No

¹ This Order does not apply to government entity cases filed by a State Attorney General or to personal injury cases.

claims by Local Government and School District Plaintiffs may be asserted in current or future filed cases in this MDL other than pursuant to the terms of this Order. This Order applies to cases directly filed in this MDL and those transferred, removed, or otherwise assigned, to this proceeding (collectively, “this MDL proceeding”). This Order is binding on all Parties and their counsel in all such cases. This Order is not intended to alter the applicable provisions of the Federal Rules of Civil Procedure or the Local Rules of this Court, except as specified herein or in any subsequent Pretrial Order. Defendants preserve all defenses, including jurisdictional and venue challenges, to any claims brought in this MDL pursuant to this Order.

II. MASTER PLEADINGS

A. MASTER COMPLAINT (LOCAL GOVERNMENT AND SCHOOL DISTRICT PLAINTIFFS)

2. **Timing.** Pursuant to a Minute Order entered on November 16, 2023,² the Local Government and School District Plaintiffs’ Steering Committee (PSC) filed a *Plaintiffs’ Master Complaint (Local Government and School District Plaintiffs)* (“*Master Complaint*”) on December 18, 2023.

3. **Effect of *Master Complaint*.** All claims pleaded in the *Master Complaint* will supersede and replace all claims for a Local Government and School District Plaintiff in any action pending in this MDL, except for those claims separately asserted in the Short-Form Complaint per the below. Nothing in this Order shall preclude the PSC from seeking leave to amend the *Master Complaint* as provided in the Federal Rules of Civil Procedure or preclude any Defendant from opposing such leave.

B. SHORT-FORM COMPLAINT

4. Attached as **Exhibit A** to the *Master Complaint*, and this Order is a template form *Short-Form Complaint* (“SFC”) for use by Local Government and School District Plaintiffs in current and future-filed cases in this MDL.

5. The SFC is an abbreviated form that each individual Local Government and School District Plaintiff will complete, indicating their individual claims, the Defendants against whom

² Dkt. 450.

they are bringing those claims, and adopting the applicable factual allegations set forth in the *Master Complaint* as the basis for those individual claims plus any additional factual allegations the Local Government and School District Plaintiff includes in their SFC. Each Local Government and School District Plaintiff who claims injury arising from Defendants' platforms shall file a separate SFC setting forth their individual claims. By this process, all allegations applicable to the specific Defendants named in the SFC that are set forth in the *Master Complaint* shall be deemed pleaded against those Defendants.

6. For each such action by a Local Government and School District Plaintiff, the *Master Complaint* (and any subsequent amendments) and the SFC (and any subsequent amendments) shall be deemed the Plaintiff's operative Complaint.

7. Each SFC filed in this MDL proceeding shall indicate the federal district where the individual Plaintiff(s) originally filed or would have originally filed their Complaint.

8. The procedures for filing the *Master Complaint* and the SFC do not reflect that the Defendants have agreed to or admitted the allegations set forth in those pleadings, nor have the Defendants conceded or waived their right to dispute the legal validity of the claims alleged therein.

9. **Timing and Effect of Filing Short Form Complaints**

a. **Complaints Transferred, or in the Process of Being Transferred, to this MDL Before the Filing of this Order:** Any Local Government and School District Plaintiff whose Complaint was transferred to this MDL or was in process of being transferred to this MDL before the date of filing this Order must file a SFC in their individual case, referencing their individual docket number to avoid the triggering of a filing fee, by January 30, 2024 or 14 days after entry of this Order, whichever is later. For purposes of statutes of limitations and statutes of repose, any such Local Government and School District Plaintiff shall be deemed to have filed their Complaint as of the date they filed their original Complaint, and not the date of the *Master Complaint* or the date they filed the SFC. Nothing in this Order or the filing of a SFC shall be construed as a prior dismissal or amendment of a prior Complaint, but the prior Complaint shall no longer be deemed the operative Complaint.

b. All Other Local Government and School District Complaints

i. **Direct Filed cases:** All Local Government and School District Plaintiffs must file their SFC electronically in this MDL. The Court refers the Plaintiffs' counsel to Case Management Order No. 4 – Direct Filing Order (“CMO-4”), or any amendments to CMO-4,³ which is incorporated herein and should be reviewed and followed. For purposes of statutes of limitations and statutes of repose, any such Local Government and School District Plaintiff shall be deemed to have filed their Complaint as of the date they filed their SFC and not the date of the Master Complaint, except for any Local Government and School District Plaintiff who filed a Complaint in this MDL pursuant to CMO-4 before this Order was entered, the date on which they filed such Complaint shall be the relevant date.

ii. **Transferred cases:** Any Local Government and School District Plaintiff whose case becomes part of this MDL after the date of this Order by transfer from another district or from another judge in this district, must file a SFC within 20 days from the date of transfer or, if originally filed in this district, assignment to this Court. For purposes of statutes of limitations and statutes of repose, any such Local Government and School District Plaintiff shall be deemed to have filed their Complaint as of the date they filed their original Complaint in a different judicial district or in this district and not the date of the Master Complaint or the date they filed their SFC.

c. No Multi-Plaintiff Local Government and School District Complaints:

Each Local Government and School District Plaintiff must have an individual Complaint on file. Any Local Government and School District Plaintiff who asserts claims in a multi-plaintiff Complaint that is pending or that is subsequently transferred to this MDL must file an individual SFC by January 30, 2024 or 14 days after entry of this Order, whichever is later, or 20 days from the date that the Court posts the applicable Transfer Order on its docket.

III. RESPONSE TO MASTER COMPLAINT AND SHORT-FORM COMPLAINTS

10. To eliminate potential delays and to promote judicial efficiency with respect to the administration of this MDL proceeding, all SFCs filed in this MDL proceeding are deemed answered and denied, without waiver of any defense or right to move to dismiss, and with full

³ Dkt. 119.

1 preservation of all arguments and defenses that may be raised in any responsive pleading that may
 2 be required by future order of the Court or motion to dismiss.

3 **IV. SERVICE OF PROCESS**

4 **A. SERVICE OF PROCESS OF NEWLY NAMED DEFENDANTS**

5 11. Local Government and School District Plaintiffs may file an action against any
 6 Defendant not named in the current *Master Complaint* (“*Newly Named Defendants*”) directly in
 7 the MDL by using the *Short-Form Complaint*⁴ and the *Master Complaint* which is deemed adopted
 8 into any filed SFC.

9 12. By this Order, Local Government and School District Plaintiffs who name any
 10 *Newly Named Defendant* in their SFC may effectuate service of process on each *Newly Named*
 11 *Defendant* by serving upon each *Newly Named Defendant* named in the SFC, in accordance with
 12 Rule 4 of the Federal Rules of Civil Procedure with the following:

- 13 a. a copy of the *Master Complaint*;
- 14 b. the SFC;
- 15 c. a copy of this Order; and,
- 16 d. a Summons.

17 13. The right of Defendants and *Newly Named Defendants* to challenge jurisdiction and
 18 venue are hereby preserved and explicitly not waived by Plaintiffs’ direct filing of SFCs.

28 ⁴ See ¶¶ 7, 9 of the SFC.

